

**Certificate of Notice Page 1 of 3**  
 United States Bankruptcy Court  
 Eastern District of Pennsylvania

Jessie,  
 Plaintiff

Adv. Proc. No. 17-00290-elf

Pennsylvania Housing Finance Agency,  
 Defendant

**CERTIFICATE OF NOTICE**

District/off: 0313-2

User: YvetteWD  
 Form ID: pdf900

Page 1 of 1  
 Total Noticed: 6

Date Rcvd: Apr 17, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 19, 2018.

ust +BRENDA D. GISH, Office of United States Trustee - U.S. D, Federal Building,  
 228 Walnut Street, 11th Floor, Harrisburg, PA 17101-1714  
 pla +Aleatha Jessie, 4539 Tolbot, Philadelphia, PA 19136-1417

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

ust +E-mail/Text: ustpreregion03.ph.ecf@usdoj.gov Apr 18 2018 02:19:45 Frederic J. Baker,  
 Office of United States Trustee, 833 Chestnut Street, Suite 500,  
 Philadelphia, PA 19107-4405  
 ust +E-mail/Text: USTPRegion03.WL.ECF@USDOJ.GOV Apr 18 2018 02:19:45 SHAKIMA L. DORTCH,  
 U.S. Dept. of Justice - U.S. Trustee, 844 N. King Street, Suite 2207,  
 Wilmington, DE 19801-3519  
 ust +E-mail/Text: USTPRegion03.HA.ECF@USDOJ.GOV Apr 18 2018 02:19:45 United States Trustee,  
 228 Walnut Street, Suite 1190, Harrisburg, PA 17101-1722  
 ust +E-mail/Text: ustpreregion03.ph.ecf@usdoj.gov Apr 18 2018 02:19:45 United States Trustee,  
 Office of the U.S. Trustee, 833 Chestnut Street, Suite 500, Philadelphia, PA 19107-4405  
 TOTAL: 4

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 19, 2018

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 17, 2018 at the address(es) listed below:

ALFONSO G. MADRID on behalf of Plaintiff Aleatha Jessie alfonsomadridlawECF@gmail.com  
 KEVIN G. MCDONALD on behalf of Defendant U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE  
 PENNSYLVANIA HOUSING FINANCE AGENCY bkgroup@kmlawgroup.com  
 KEVIN G. MCDONALD on behalf of Creditor U.S. Bank National Association (Trustee for the  
 Pennsylvania Housing Finance Agency) bkgroup@kmlawgroup.com  
 THOMAS I. PULEO on behalf of Defendant U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE  
 PENNSYLVANIA HOUSING FINANCE AGENCY tpuleo@kmlawgroup.com, bkgroup@kmlawgroup.com  
 TOTAL: 4

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>In re:</b>	<b>ALEATHA JESSIE,</b>	:	<b>Chapter 13</b>
		:	
	<b>Debtor</b>	:	<b>Bky. No. 16-10131 ELF</b>
		:	
		:	
	<b>ALEATHA JESSIE,</b>	:	
	<b>Plaintiff</b>	:	
		:	
	<b>v.</b>	:	
		:	
	<b>PENNSYLVANIA HOUSING FINANCE AGENCY</b>	:	
		:	
	<b>U.S. BANK, N.A., as Trustee</b>	:	
		:	
	<b>Defendants</b>	:	<b>Adv. No. 17-290</b>
		:	

**ORDER**

**AND NOW**, upon consideration of the Plaintiff's Motion for Default Judgment (Doc. # 11) ("the Plaintiff's Motion") and Defendants' Motion to Set Aside Default (Doc. # 15) ("the Defendants' Motion"), it is hereby **ORDERED** that:

1. Plaintiff's Motion is **DENIED**.<sup>1</sup>

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<sup>1</sup> Plaintiff filed the Plaintiff's Motion without first requesting that the Clerk enter a default pursuant to Fed. R. Bankr. P. 7055. In the absence of an entry of default, the Defendants' are not precluded from filing an Answer to the Complaint without first having the court set aside the default. By filing the Defendants' Motion, the Defendants have indicated their intent to file an Answer to the Complaint. Given the strong policy disfavoring default judgments and encouraging decisions on the merits, see, e.g., In re Bressman, 874 F.3d 142, 153 n.51 (3d Cir. 2017), I find it appropriate to deny the Plaintiff's Motion. See, e.g., Hritz v. Woma Corp., 732 F.2d 1178, 1180 (3d Cir. 1984); see also Enron, 10 F.3d 95 (2d Cir. 1996) (disposition of motions for default judgments are left to the sound discretion of the court).

2. Defendants' Motion is **DENIED**.<sup>2</sup>
3. **On or before April 21, 2018**, Defendants shall file an Answer to the Complaint (and are granted leave to do so).
4. If Defendants fail to file a timely Answer as required by Paragraph 3 above, Plaintiff shall proceed expeditiously under Fed. R. Bankr. P. 7055.



**Date:** April 17, 2018

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**ERIC L. FRANK**  
**U.S. BANKRUPTCY JUDGE**

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<sup>2</sup> The Defendants' Motion seeks to set aside either the entry of default or a default judgment, neither of which exists in this case. There is no basis for granting the Defendants any relief.